

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ALBERT YERKE,

Plaintiff,

v.

AETNA,

Defendant.

CIVIL ACTION
NO. 16-06512

ORDER

AND NOW, this 19th day of May, upon consideration of Defendant Aetna's motion to dismiss (ECF No. 4), and Plaintiff Yerke's response (ECF No. 8), it is hereby

ORDERED that:

1. Aetna's motion (ECF No. 4) is **GRANTED**;
2. Yerke's claims are **DISMISSED without prejudice**;
3. Yerke may file an amended complaint asserting federal claims pursuant to ERISA Section 502(a) on or before June 16, 2017.

BY THE COURT:

/s/ Gerald J. Pappert
GERALD J. PAPPERT, J.